

Section 16-95. Emissions Fee for Stationary Sources

(1) EMISSIONS FEE

A fee shall be collected annually from each stationary air pollution source which has more than one ton of actual emissions annually of a regulated pollutant as defined herein, called the "Emissions Fee", which shall equal the amount determined by the requirements set forth as follows:

- a. Twenty-nine Dollars and Sixty-five Cents (\$29.65¹) per ton of emissions emitted from the source, not including fugitive emissions and actual excess emissions that are the result of process malfunctions and facility start-up and shutdown determined by the Health Department to be in compliance with the Air Pollution Code Sections that excuse these emissions from enforcement of each regulated pollutant as defined in Section 502 (b)(3)(B)(ii) of the Federal Clean Air Amendments of 1990.
- b. If no adjustment in the emissions fee rate established for any calendar year after 1992 is made by the County Commission, the fee shall be increased by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989. This rate amount shall then be adjusted to reflect changes in the fee amount that have occurred prior to that year by action of the Commission. For purposes of this ordinance, the Consumer Price Index is the average of the Consumer Price Index for all urban consumers published by the Department of Labor, as of the close of the twelve month period ending on August 31 of each calendar year, and the revision of the Consumer Price Index which is most consistent with the Consumer Price Index for 1989 shall be used.
- c. The fee collected shall be adjusted by resolution of the Board of Shelby County Commissioners from time to time consistent with the need to cover the costs authorized by the ordinance. For purposes of this ordinance a "stationary air pollution source" shall be that group of air pollution sources located within a contiguous area and under common control.

(2) MAXIMUM AMOUNT SUBJECT TO EMISSIONS FEE

Each stationary air pollution source shall be assessed the Emissions Fee on no more than four thousand (4,000) tons per year of each regulated pollutant it emits.

¹ This is the effective emissions fee rate (after adjustment for carryover overage) approved by the Shelby County Commission.

APPROVED RATE	ADOPTED IN	EFFECTIVE RATE	APPLICABLE TO
\$9.00	1992	\$9.00	1991 EMISSIONS
\$18.00	1993	\$18.00	1992 EMISSIONS
\$19.00	1994	\$17.10	1993 EMISSIONS
\$29.65	1995	\$29.65	1994 EMISSIONS
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--	--	\$29.65	1996 EMISSIONS
\$29.65	1998	\$29.65	1997 EMISSIONS
\$29.65	1999	\$29.65	1998 EMISSIONS

(3) EXEMPTION FOR UNITS SUBJECT TO SECTION 404 PROVISIONS OF THE CLEAN AIR AMENDMENTS OF 1990

No fee will be charged until the year 2000 with respect to emissions from any unit which is classified as "an affected unit" under Section 404 of the Clean Air Act Amendments of 1990, entitled "Phase I Sulfur Dioxide Requirements".

(Ord. No. 3782, 8-8-88; amended by Ord. No. 4105, effective 7-1-92. Amended by Ord. No. 4636, effective 1-7-99.)